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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **OAKLAND DIVISION**

11 CREE, INC.,

12 Plaintiff,

13 v.

14 MAXBRITE LED LIGHTING  
15 TECHNOLOGY, LLC, et al.,

16 Defendants.

Case No.: 4:16-cv-06689-YGR

~~[PROPOSED]~~ **PERMANENT  
INJUNCTION AGAINST DEFENDANT  
MAXBRITE LED LIGHTING  
TECHNOLOGY, LLC AND DISMISSAL,  
WITH PREJUDICE**

**Honorable Judge Yvonne G. Rogers**

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20 The Court, pursuant to the Stipulation for Entry of Permanent Injunction and Dismissal  
21 (“Stipulation”), by and between Plaintiff Cree, Inc. (“Plaintiff”), and Defendant MaxBrite LED  
22 Lighting Technology, LLC (“Defendant”) filed concurrently herewith, hereby ORDERS,  
23 ADJUDICATES and DECREES that a permanent injunction shall be and hereby is entered  
24 against Defendant in the above-referenced matter as follows:

25 1. **PERMANENT INJUNCTION.** Defendant is hereby restrained and enjoined,  
26 pursuant to 15 United States Code (“U.S.C.”) §1116(a) and 35 U.S.C. §283, from engaging in,  
27 directly or indirectly, or authorizing or assisting any third-party to engage in, any of the  
28 following activities in the United States and throughout the world:

1           i.       copying, manufacturing, importing, exporting, purchasing, marketing,  
2 advertising, selling, offering for sale, distributing or dealing in any product that uses, or  
3 otherwise makes any use of, any of Plaintiff's CREE® (USPTO Reg. Nos. 2,440,530,  
4 3,935,628, and 3,935,629) or CPY250® (USPTO Reg. No. 4,888,986) trademarks and/or light  
5 fixture design patents D721,844 S or D743,084 S (collectively hereinafter "CREE's Intellectual  
6 Properties"), and/or any intellectual property that is confusingly or substantially similar to, or  
7 that constitutes a colorable imitation of, any of CREE's Intellectual Properties, whether such use  
8 is as, on, in or in connection with any trademark, service mark, trade name, logo, design,  
9 Internet use, website, domain name, metatags, advertising, promotions, solicitations,  
10 commercial exploitation, television, web-based or any other program, or any product or service,  
11 or otherwise;

12           ii.     advertising or displaying images and/or photographs of non-genuine  
13 CREE LEDs and/or LED lighting products using the CREE® and/or CPY250® marks;

14           iii.    advertising or selling non-genuine CREE LED light fixtures embodying  
15 and/or comprised of Plaintiff's design patents;

16           iv.     using CREE's Intellectual Properties, including but not limited to the  
17 CREE® or CPY250® trademarks in advertising to suggest that non-genuine CREE products  
18 being advertised are manufactured, sponsored by, endorsed by, or are otherwise affiliated with  
19 CREE and/or advertising non-genuine CREE LEDs and other non-genuine CREE LED lighting  
20 products using descriptions that imply that the products are genuine CREE products;

21           v.      performing or allowing others employed by or representing Defendant, or  
22 under Defendant's control, to perform any act or thing which is likely infringe upon any of  
23 CREE's Intellectual Properties, including but not limited to the CREE® and CPY250®  
24 trademarks and/or Plaintiffs' design patents D721,844 S or D743,084 S;

25           vi.     using any Internet domain name or website that includes any of Plaintiffs'  
26 trademarks or design patents, including but not limited to the CREE® or CPY250® marks  
27 and/or design patents D721,844 S or D743,084 S.  
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1           2. Defendant is ordered to destroy all alleged counterfeit, infringing or otherwise  
2 unauthorized lighting products, in its possession and/or under its control, including LEDs and  
3 LED lighting products, embodying, comprised, utilizing and/or bearing any of CREE's  
4 Intellectual Properties within ten (10) calendar days of entry of this Order (with a certificate of  
5 destruction to be provided to Plaintiff).

6           3. This Permanent Injunction shall be deemed to have been served upon Defendant  
7 at the time of its execution by the Court.

8           4. The Court finds there is no just reason for delay in entering this Permanent  
9 Injunction against Defendant, and, pursuant to Federal Rule of Civil Procedure 54(a), the Court  
10 directs immediate entry of this Permanent Injunction against Defendant.

11           5. **NO APPEALS AND CONTINUING JURISDICTION.** No appeals shall be  
12 taken from this Permanent Injunction, and the parties waive all rights to appeal. This Court  
13 expressly retains jurisdiction over this matter to enforce any violation of the terms of this  
14 Permanent Injunction by Defendant.

15           6. **NO FEES AND COSTS.** Plaintiff and Defendant shall each bear their own  
16 attorneys' fees and costs incurred in this matter.

17           7. **DISMISSAL.** Upon entry of this Permanent Injunction against Defendant, the  
18 case shall be dismissed as to Defendant, with prejudice.

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20           IT IS SO ORDERED, ADJUDICATED and DECREED this 7 day of November,  
21 2017.



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23 HON. YVONNE GONZALEZ ROGERS  
24 District Judge for the United States District Court  
25 Northern District of California  
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